

FILED & JUDGMENT ENTERED David E. Weich
Sep 02 2009
Clerk, U.S. Bankruptcy Court Western District of North Carolina




George R. Hodges
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

IN RE:)	Case No.: 09-40314
)	Chapter 11
DONALD YELTON and)	
JOAN YELTON)	
)	
S.S. #:)	
xxx-xx-4574)	
xxx-xx-2354)	
)	
Debtor(s))	

ORDER APPOINTING CHAPTER 11 TRUSTEE

This cause coming on to be heard before the undersigned, United States Bankruptcy Judge, upon the *Motion to Appoint a Chapter 11 Trustee or Convert to Chapter 7* filed by the Bankruptcy Administrator, the Court finds:

1. This is a Chapter 11 proceeding in which a voluntary petition was filed on or about April 17, 2009.
2. On April 21, 2009, this Court entered an Operating Order in this case. That Order provided, in part, that the debtors file Monthly Status Reports with the Court, pay Chapter 11 Quarterly Fees, provide copies of valid insurance policies to the Bankruptcy Administrator's Office and file a Disclosure Statement and Chapter 11 Plan of Reorganization.
3. The debtors have failed to file Monthly Status Reports for April through June 2009, have failed to pay quarterly fees, have failed to provide copies of valid insurance policies to the Bankruptcy Administrator and have failed to file a disclosure statement and plan of reorganization within the time required by law.

4. The debtors' real property includes nursing home facilities, single family residences and apartment buildings.
5. By deed recorded on May 20, 2009, a tract of real property located on the west side of U.S. Highway 64 in Rutherford County, North Carolina was conveyed from the debtors, Donald and Joan Yelton, to Jamie Yelton by deed recorded in Book 982, Page 561, Rutherford County, North Carolina Register of Deeds (Deed 3). This Deed included the notation, "This (sic) purpose of this deed is to correct the grantee in Deed Book 881 at Page 256, RCR, it was intervertly (sic) deeded incorrect." This deed was signed and recorded post-petition and without order of this Court.
6. Cause exists under 11 U.S.C. §1104 for the appointment of a trustee.

Wherefore, based upon the foregoing and the entire record in this case it is hereby ORDERED:

1. Robert C. Barnett is appointed Chapter 11 Trustee with all rights, powers and duties under Title 11, United States Code.
2. The Trustee's bond shall be set at the amount recommended by the Bankruptcy Administrator.

*This Order has been signed electronically.
The judge's signature and court's seal appear
at the top of the Order.*

United States Bankruptcy Court